

# THE EUGENICS REVIEW

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## CRIMINALITY FROM THE EUGENIC STANDPOINT.

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A Lecture given at the Rooms of the Royal Society on March 16th, 1920.

CHAIRMAN (MAJOR DARWIN): Ladies and gentlemen, as probably you will all remember, it was our custom before the war to have regular lectures of this kind in the afternoon. We had to drop it through the war, but I am very glad to say that we are now reviving the custom and hope that it will never be stopped again. We as a Council have felt that we have not given members of this Society much value for their money in the way of lectures and hope to do better in this way and have regular afternoon lectures in the future, and I think it is a happy augury that our first lecture should be given in the Royal Society's Room. I feel that it is a compliment to our Society, and that we are honoured by being permitted to have a lecture here. In the name of our Society I wish to tender thanks to the Royal Society for this honour. I do not wish to intervene between the lecturer and the audience; I only wish to say that the subject of our lecture to-day is the most important one I can imagine. Our lecturer, Dr. Potts, has had very varied experience. He is the Psychological Expert to the Birmingham authorities and in that capacity has had good experience in dealing with the examination of young people and adolescents, which will make everything he says of great importance, and I am sure we shall listen attentively to all he has to say. I will now ask Dr. Potts to address you.

DR. POTTS: Mr. Chairman, ladies and gentlemen, I should like first of all to thank you, sir, for the kind words you have used. I should like to tell the audience straight away that the reason for the quickened interest in crime now is not any actual increase in crime; as a matter of fact crime is diminishing at the present time. The last reports of the Metropolitan Police for the years 1918 and 1919, published together in one volume, show that crime is on the whole slightly less than it was. There is a very slight increase in burglary and a greater one in shop-breaking, but contrary to what many people think, crimes of violence, murder, wounding and manslaughter are distinctly less at the present time than before the war. When we look at the last report of the Prison Commissioners we find that even more gratifying, because it shows a large decrease in crime. The last report of the Prison Commissioners, which goes down to March last year, states that in some departments the reduction in crime is enormous. Before the war over 80,000 persons were con-

victed annually either for drunkenness or vagrancy—over 80,000. At present the number convicted for those crimes is only 3,000. The report points out that that diminution cannot be attributed to dealing with crime, but is due to two very important social factors, first the greatly increased facility for obtaining employment, and secondly the greatly increased difficulty in obtaining liquor, and the Chairman of the Prison Commissioners, in an address published in the report, says that it would be deplorable if the country ever went back to pre-war conditions as regards the sale of alcohol.

The greater interest in crime now is due neither to increase in crime, nor misdirected sentimentality. It is due to the fact that the public are at last realising that the present method of dealing with crime has been a failure, and in consequence there is serious danger to the community as well as expense. Perhaps the expense does not seem so very big, because I find from the report of the Prison Commissioners that the total cost of prison and Government institutions for criminals was in last year less than £700,000. That does not seem such an enormous sum compared with some items in public expenditure we are obliged to face; I want you, however, to realise that that does not anything like represent the full expense of crime to the community, because we must add on the future expense of the descendants of those habitual criminals who ought not to be at large, but whom we allow to be at large, and who will have to be supported by the community, not necessarily as criminals, but as prostitutes, paupers and so on. Numbers of these will have to be supported by the country unless we deal with crime in an efficient manner. Further dealing with crime in an unsatisfactory way means also the loss of much useful human material.

So completely does the present system of dealing with crime fail that recent statistics show that taking convictions all over the country 62 per cent. of those convicted had at least one previous conviction and 7 per cent. had been convicted 20 times previously, while of the convictions at Assizes and Quarter Sessions 70 per cent. had been previously convicted. That is the state of affairs in England and also in Canada and America. An enquiry last year in Ontario revealed that preventive measures would have saved the large bulk of habitual criminals from a life of crime, and also showed that the gaols annually returned to the community persons well known as a menace to society, and absolutely certain to have to be sent to prison again.

The reason why the present system of dealing with crime fails is, firstly, because in dealing with crime at the present time we only consider the question of guilt. This is the only question investigated as a rule, and when the question of guilt is decided the punishment depends only on the crime and not on the individual. Little good can be done until the treatment is what is required for the individual case. One cannot help feeling that failure is partly due to the fact that punitive criminology is in the hands of lawyers, without the assistance of doctors, especially doctors who are psychopathologists and social workers. Crime is dealt with by people some of whom never heard of considering conduct from a mental point of view. These people in dealing with crime never hesitate to spend hundreds of pounds on the question of guilt if necessary,

but if you suggest spending a five-pound note to see how to deal with a prisoner to prevent his sinning again, that would be considered an extravagance which could not be contemplated. At the present time we are urgently in need of improved methods of dealing with crime to help on social reconstruction. Although we can derive some comfort from the police reports and those of the Prison Commissioners, yet there is an increase of crime between 16 and 21 years of age, and the number of cases in the Children's Courts has greatly increased. These are disquieting facts. I do not want you to think for a moment that I do not realise that those who are dealing with crime have effected great improvements in recent years. We have had some improvements, such as the Borstal System, the Probation Acts and the Criminal Justice Administration Act of 1914. In consequence of that Act we find that while before the war more than half the persons imprisoned, were in prison simply because they were unable to pay their fines, at the moment that is the case with about one-fifth only. Before the war of all convicted persons one out of every four went to prison; at present one in twelve goes to prison, which is much more satisfactory; but although these measures are valuable and capable of doing much good, they must fail in achieving all they might if we do not study the individual and employ medical help. The Courts should call in medical practitioners who have made a study of mental defect and mental disease.

An important question is, where shall we study the prisoner, before his conviction, or in prison? Some influential people are in favour of studying cases in prison; I am sure this is wrong and will not do as much good as examining them before the Court passes sentence. There are many objections to studying a case after the person goes to prison. One argument for examination in prison is that the person is a degenerate and must therefore be taken care of. He may as well be put in prison and kept there, while you settle what should be done; but the disadvantage is that in prison there will be more difficulty in dealing with the case. To start with, if a person goes to prison and it is unnecessary, then he has a stigma all his life from which he ought to be free. Then the sentence may be very short. When anyone is in prison for a matter of days only, it may be impossible to properly study or examine him because you must give him time to settle down after the ordeal in Court; before he is fit to be examined his sentence may be over; also when you send anyone to prison you may develop anti-social instincts and an anti-social grudge. Besides, in examining these cases we want all possible help from the prisoner; after he is sent to prison we shall not obtain that help, but if he thinks an effort is being made to save him he will help. Of course we must realise, as is done in America, where more of these cases are studied than in this country, that in examining you must pay careful attention to the attitude of the prisoner. Perhaps he is so anxious to appear irresponsible that he may simulate irresponsibility when it is not there. In some cases this has led to error. I have seen such a man in prison, who said he could not read. He was mentally defective, but it was found later he could read. Soon after, however, he became insane, and had to be removed to an asylum.

There is another danger in sending these people to prison, and that is, as happened in this case, that some persons after being sent to prison

become insane. Kraepelin, a great German psychologist, found out years ago that there is 10 per cent. more insanity among prisoners than ordinary individuals. As long ago as 1871, Reich stated that some prisoners committed to prison shortly after became insane and remained so for several months. Another German investigator, Moeli, in 1888 drew attention to the same fact. Recently Dr. Healy, Medical Officer at the Courts in Chicago, observed this too. In Birmingham we have had more than one criminal defective who, after being placed in an institution within a week or so, developed insanity in consequence of the strain of the trial and the sentence. Then the question may be asked, did the insanity develop after going to prison, or was he insane all the time? This is sometimes a complicated and difficult question. At any rate the prisoner goes through an attack of insanity for which he is no better. Again in prison there is no opportunity of judging how a man conducts himself in ordinary life, because he may behave perfectly well in prison and yet not be able to adapt himself to his environment in the ordinary world.

If we do study the individual how can we treat him? All I can say is that we must study the individual and give him the treatment best suited to his case, always bearing in mind that we must at the same time protect society, so that we must segregate all the prisoners whom we find to be mentally defective; many prisoners are in prison for that reason. The Royal Commission on the Feeble-minded found that the percentage varied from 10 per cent. to 20 per cent.; in America it has been found to be higher, from 25 per cent. to 30 per cent.; I think we shall find as we go on that we must enlarge our ideas as to what mental defect is, because although an ordinary defective may not have to be segregated, yet once a defective has become criminal he must be segregated, however slight his degree of mental defect, because you cannot reform a prisoner who is much below the average in intelligence. One recent American investigator in the Municipal Court of Boston, Dr. Anderson, says that the number of mentally defective prisoners is 10 per cent. and maintains that these 10 per cent. are responsible for 50 per cent. of all crime.

In order to deal with crime properly we must first segregate all prisoners who are mentally defective. Mental defect is bound up with the question of criminology. We must not only segregate those who are prisoners but all mentally defective women, however high grade they may be, who breed illegitimate children, because their children cannot be of any use, as they have no father, no home, and a bad heredity. We must segregate these mental defectives, because mental defect is a hereditary character. Inheritance does not explain every case of mental defect, yet it does explain a large number. If we segregate all cases we shall much reduce the number of mental defectives in the country.

What we want to know is—can the prisoner behave like an average person of his social class and up-bringing? Is he able to earn his living and keep out of the hands of the police? If he can do this it does not matter much how far he may fail in tests of intelligence. In the American Army some interesting tests were carried out. It was found that a large number of the men examined were carrying on quite well in ordinary life, but were really mentally defective. The only real test is that of

conduct. In speaking of mental defectives we must include the moral imbecile. Recently I saw a moral imbecile boy in an institution under a Justices' order. He had been in Standard VII. at school and was bright and intelligent in many ways; there must have been great difficulty in certifying him, but I was convinced he was in the right place for this reason. The institution had a large number of low-grade cases, almost idiots, and a boy who had been in Standard VII. at school seemed out of place. But when I asked him if he was happy, he said "Yes." When I asked him what he did he told me that he played football with the other boys, and was quite contented. That was a proof of mental defect. No ordinary healthy boy could have been happy under such conditions.

I should divide prisoners into three groups:—

1. Those who are normal, both physically and mentally. (A small group.)
2. At the other end of the scale, the mentally defective.
3. Persons who are physically or mentally defective inferior (the largest group).

An individual examination will help us to deal with normal cases, and with a large number of the intermediate group.

To show how an individual examination may help I will refer to two cases in Birmingham. One was a man discharged from the Army and suffering from shell-shock. Instead of being sent to prison he was placed by the military authorities in a suitable hospital. The other man was suffering from consumption, and placed in a sanatorium. The disease was cured and his mentality so much improved that he has behaved ever since in a normal manner. He had been previously engaged in work which was too heavy for him; afterwards he secured lighter work and was able to earn good wages.

Those cases would probably never have been discovered except by special medical examination, which saved them from the stigma of prison, and the community from much expense.

Are we ready at the present time for this individual examination? Yes, the time is undoubtedly ripe for two reasons: First, because by modern methods we can cure incipient mental disease; mental disease and criminality are closely related; if we can cure mental disease by modern methods, we may hope to treat many cases of criminality as successfully. Another reason why we are now ready for such treatment is in consequence of the work of the late Dr. Charles Goring, who was unfortunately cut off in his prime, but who has done the most valuable work ever done in connection with prisoners. In his book he proves, first, that there is no special criminal type as many people think. The criminal possesses no special characteristics, but is merely physically and mentally inferior to ordinary people; if you take a large number of people and select those who are mentally and physically inferior then you have a group closely resembling criminals. In every class it is the inferior, mentally and physically, who get into prison.

Dr. Goring showed, by his valuable statistics, that the question of heredity does come in. Criminality is a characteristic which can be inherited in the same way as the predisposition to tubercular disease or insanity. The table of parental inheritance shows that the criminal

diathesis is inherited at much the same rate as tuberculosis, eye-colour, height, and other inherited qualities.

Therefore criminality is a heritable condition. Dr. Goring showed that the criminal is never, as has been alleged, the victim of circumstances. He may be the victim of heredity or of environment, but never really the victim of circumstance. His fate is not due to not having had a chance. Goring showed that the environment has really a very small influence. It must have some influence because criminality, tubercular disease, venereal disease and alcoholism, etc., are all intimately associated. Bad environment leads to people being mentally and physically inferior and so predisposed to criminality. I have described Dr. Goring's book as epoch-making, but I am sure he would be the last to wish us to accept his work as final. He meant it as an introduction and a stimulus and incentive for other workers, and no one would have regretted more than he would if we took his conclusions as final. I say this because I want to refer to one conclusion of his with which I do not agree, namely that 16 to 21 is the proper age at which to attend to crime. It seems to me that that is at least seven years too late. Surely a child's fate is settled before he is 14 years of age. He will not come into the Courts before that, but it is decided much earlier whether he is going to be a criminal or not. I once had to examine in prison a boy of 14 years of age who had been stealing; I asked him when he began stealing, and what he stole at school? He said "Oh, half-crowns and shillings," so I asked whether he had begun with that. He said he had begun by taking pennies, and then when I enquired whether they were the first things he took he said "Oh, I took hankies at first." When I asked him how old he was then, he told me that he used to take hankies when he was nine years of age to make footballs of, to play with the other boys. I think at 16 we are seven years too late. One important matter in dealing with crime is to have proper views regarding what we mean by education. In this case what had the education authorities been doing? They take a boy away from the protection of his home at seven years of age and at nine years of age they let him begin criminal courses and go on without finding it out. I think they ought to have known the boy was launching on a career of crime and have stopped him. One of the most important methods of preventing crime is to have proper methods of education. We must recognise what is the first step in going wrong. That boy should have been dealt with when he was only stealing handkerchiefs.

Again the prisoner is often really guilty of something which has led to the offence; if you punish him merely for the offence with which he is charged then you do no good. Many women, for instance, who are charged with petty theft are not really thieves, but steal that they may get money for drink; therefore you should deal with them as inebriates, or as mentally unstable, because inebriety is a form of mental disease. The thing to deal with is the wrong habit; it is little use punishing anyone for theft if it is really lying for which they ought to be punished. The prisoner should be examined to see if there is any disease. A criminal is often lazy, and that may be due to constitutional disease. It may be tuberculosis. If it is not that, but a low moral tone then you should put him into a Labour Colony and develop higher ideals. The

great thing is to deal with the initial cause which will often be found to start very early in life.

In conclusion I should like to refer to the anxiety states and to mental conflicts which lead to crime in some cases just as they are the cause of mental disease. Mental disease is largely due to something distressing which has been done or which has happened, and which was thought of with too much emotion. This subsequently causes such distress that the individual tries to repress the memory of it. One school of authorities on mental disease describes these cases as being sexual in origin, but very often that does not come in. A common cause of crime is an uncongenial occupation. When I spoke on this subject to the Chief Constables' Association last summer one Chief Constable gave two excellent instances. He said in his district there were two boys, sons of miners, whose fathers were earning such good wages that they insisted upon their sons becoming miners; but the boys soon got into trouble and were convicted; then it was suggested that the proper person to give advice as to what should be done with them was the schoolmaster; he said that neither of them should be miners. One should be a farmer and the other a soldier. When they were engaged in these occupations respectively they turned out well.<sup>1</sup>

I have indicated the first step in treatment to show the modern way of dealing with these conditions. Among criminals we may sometimes find such conditions and be able to save them by dealing with them in the same way.

Recently at a public conference Dr. Addison said the time would come when we should look upon the present provision of lunatic asylums as memorials of a not very glorious past. So I think when we deal properly with criminals we shall look upon the large number at the present time as records of a not very glorious past.

THE CHAIRMAN: Ladies and gentlemen, I am quite sure that you will all agree that we have listened to a most interesting lecture. It has interested me especially because at one of my Presidential addresses some years ago I dealt with this question of criminality with the same intimate knowledge as your lecturer, and I think what he has said has confirmed my impressions. Of course, you may think a criminal should be punished. Sometimes you are told you ought to do it for revenge, but I do not think this is a deterrent.

I think the time has come when we may put revenge on one side. As regards reformation it seems that the lighter the punishment given the better because the punishment leaves the stigma on a man for ever, and I think that is one of the conclusions you have arrived at to-day. Then as to deterrents. I judge from statistics that it is better that the punishment should be short and severe, because it seems that after four or five convictions a man is more and not less likely to commit crime. It seems to me that the most important reform dealing with habitual criminals is to make the length of each imprisonment depend far more upon the probability of another being added in the future and less upon the crime for which it has been given. Then, another conclusion, I think is that you should always study the individual. I think the habitual criminal

<sup>1</sup> Two other cases of mental conflict were described, one of which nearly resulted in a serious crime, but the speaker stated that they could not be published.

who commits a number of petty crimes time after time is the worst kind. He has nothing whatever to do and by putting him in prison for some time you diminish that. The longer they are detained the fewer will be their offspring, who will not only have an inferior education but have inferior natural qualities. It is to my mind always inferior surroundings going hand in hand with inferior natural qualities which lead to crime. There is very little use in long sentences making a man callous and hardened. Still you want to prevent a man of this kind becoming a parent and passing on these inferior qualities. I should have liked to have heard more from Dr. Potts. I understood him to speak of the large central group, a group which are stupid but which may be able to carry on their lives, and you must make the test of their lives the only one to consider but I do not think from a eugenic point of view that we ought to put aside this stupid group. I am afraid I look upon the future of eugenics as very much depending upon this class which are inferior in mental qualities to the whole community. I think in future that is the class to deal with and I think we should concentrate our emotions on the feeble-minded, and ours will be the problem of this stupid intermediate group. Our lecturer said that it is all right if you can make this group mate with the sound stock. I think we always ought to acknowledge that that would be merely hiding the harm and not getting rid of it. I hope some of those who were present, and who have taken an interest in this subject will enter into the discussion as I am sure it is a very interesting lecture and a good subject for discussion.

A QUESTIONER asked whether if the unfit were allowed to bear children by mating with sound stock the mental defect might not come out in the third or fourth generation?

DR. POTTS : I thoroughly agree with you, but in the case I was speaking of there was not really unsound stock, although not the best possible stock. If it had been a case of real mental disease she ought not to mate with anyone but she is now apparently a normal individual whose relations are healthy. Her nervous system is rather sensitive but not sufficiently tainted to come out in future generations. I believe if she mates with a man who is reasonably sound no harm could result. I am very keen about sound heredity but we cannot go quite as far as we might wish.

A QUESTIONER asked whether it would be the same in regard to mental defectives as in the case of insane persons?

DR. POTTS : Neither mental defectives nor insane people should have offspring.

THE CHAIRMAN : Mental defectives usually have larger families than fit persons.

A QUESTIONER : I would like to make a remark, although I am almost diffident in speaking on so vast a subject. I have given some considerable attention to the subject of insanity. First I would like to just say how very much I have enjoyed the lecture which is full of most valuable suggestions and shall ponder the matter carefully. The subject is so vast that one hesitates to speak at all dogmatically. As regards one's views and experience I would like to mention a reference to Dr. Goring. The lecturer referred to a conclusion of Dr. Goring's which distinctly opposed the view set forth by Lombroso, one of the greatest psychopathologists of



his day. Dr. Goring obtained a very great reputation and after writing his book naturally led a very large portion to his way of thinking. It is a question whether the followers of Dr. Goring investigated the matter as much as they could. I do not profess to be a great student of Lombroso but I believe there are criminal types which could be eliminated to a great extent, but as an old friend of mine—a schoolmaster—once said "There are two kinds of people in the world, those who are in jail and those who have been clever enough to keep out." There is a great deal of truth in this. The lecturer referred to three types, the women of a certain type being difficult to deal with, and if this type is so difficult to deal with we have to ascertain the predisposition of heredity and mental constitution of the individual and then we should inquire into the environment in which he lives and the conditions which cause him to yield to the crime. Then the lecturer seemed to have some little difficulty in accepting the view of Dr. Goring that there was no criminal type, and yet he told us that these mental defectives could be classified, and I want to know if you have a large number of mental defectives classified and measures taken, whether you could not show a distinct type so that if you had the type photographed and then took a photograph of the Oxford and Cambridge crew and some other section of healthy boys and girls, you might decide that there was a type.

A QUESTIONER : Dr. Potts said there were some mental defectives who would call for segregation but he said that they were sometimes of good behaviour and he did not seem to think it so serious in those cases, but I would ask whether mental defectives should not be either sterilised or segregated. The lecturer spoke of mating as if that meant having children, but surely if such a tainted stock as the girl he spoke of were to marry she should not bear a child. To mate with a man does not necessarily mean bearing children, although the two might live together in companionship. As the author of a book on parenthood I take the subject very seriously. I think unsound stock would be better mated to unsound stock and the sound with the sound.

A QUESTIONER : I happened to have some little talk with the head of a great public institution and the opinion there is that epileptics usually have very fine children. I do not know whether that applies to the physical or mental constitution.

A QUESTIONER : I should like to ask one question and it is simply this—Whether the cases to which the lecturer alluded to did not belong to entirely different classes from those which were tainted by mental disease, and whether it is not possible through shock to produce temporary insanity which is curable and which would not need to be transmitted to offspring, and whether these did not belong to a different class to those who were tainted by birth?

A QUESTIONER : Would the lecturer kindly tell us if it is any use teaching morals and ethics to a criminal class of women? I have been asked to give moral and ethical lectures to criminal classes between 16 and 21. Would the lecturer tell me whether such teaching is useless?

DR. POTTS : Such teaching will certainly not be useless, although it will not be so effective as if it had been given earlier.

A QUESTIONER : I think the lecturer said something to the effect that the criminal is a criminal before 14. I think that is really too sweeping.

Perhaps the lecturer may give reasons for criminal acts. I should also like to ask what his views are with regard to crimes of say a fraudulent solicitor, who say after middle life found himself committing great frauds. I should like his opinion on the crimes of the directors in the City of Glasgow Bank. He is undoubtedly familiar with the facts of those frauds. I think it was in 1879 or 1880 that those directors were convicted. Then again with regard to postmen. The postman is very often a man who is entrusted with a large amount of money in paper and other valuable things in specie. It seems as a rule that they are honest men but they have very great temptations. Now it is not so many years ago that theft by a Post Office servant was punished by penal servitude. Three years penal servitude was a minimum punishment. That punishment has been reduced but I should like to have the lecturer's views in regard to the mental state of a postman say at the age of 50 who commits a theft. I should like to have his view considering his statements as to criminalities before the age of 14. If I might venture to comment on what he has said with regard to the case of mental conflict it struck me as being very far-fetched. I think it is an unfair way of dealing with the matter.

THE CHAIRMAN: I must now bring this meeting to a close, but before asking our lecturer to reply may I move a most hearty vote of thanks for his admirable lecture?

DR. POTTS: Mr. Chairman, ladies and gentlemen, I thank you very much indeed for the extremely kind way in which you have received me. In regard to the fraudulent solicitor Dr. Goring of course says that cases of that kind show no sign of mental defect. Of course they are very special cases but I think the fundamental cause even in those cases is the upbringing before seven years of age. I do think the early years of life are the most important to everyone. In regard to the case of the mental conflict, it is difficult to explain the whole rationale briefly, but the views I indicated are accepted by the majority of those engaged in mental work, namely, that some unfortunate coincidence, such as happened in this case, is the fundamental cause. Many cases seem at first more peculiar than that one.

As regards the anatomical peculiarities we hoped at one time we should find an anatomical distinction by which we could recognise the mental defective. We now know that 10 per cent. of defectives can be recognised in this way and a very small percentage of criminals can be recognised by their anatomical peculiarities but 99 per cent. do not conform to such a test. Then I should say that epileptics do not have fine children. With regard to what has been said about sterilisation I absolutely disagree with that. If a person has a right to life he has a right to live as an ordinary person and not as a mutilated one. I would either segregate him, or have a lethal chamber, I would also like to protest very strongly as a medical man against a wilfully childless marriage. I believe a deliberately childless marriage is always unhappy and I believe if we have an increase in deliberately childless marriages we shall have an increase in disease. I have seen several pathetic cases of women who have had to go to an asylum partly because, during their married life, they have deliberately prevented conception.

(The Meeting then closed.)